

REMARKS:

I. INTRODUCTION

This paper addresses the office action mailed May 18, 2006. Claims 1-24 were rejected. New claims 25-30 have been added. The new claims are supported by the originally filed disclosure. Claims 1-30 are presently pending. Reconsideration of the present application is respectfully requested in light of the following remarks.

II. REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. 103(a) OVER SCHAFER '926 IN VIEW OF SCHAFER '398

Claims 1-8 stand rejected under 35 U.S.C. 103(a) over Schafer '926 (denoted "Schafer et al" in the office action) in view of Schafer '398 (denoted "Schafer" in the office action). Applicant traverses the rejection and respectfully submits that claims 1-8 are not obvious in light of the proposed combination.

Claim 1 recites :

1. (Original) A lottery ticket dispenser for dispensing lottery tickets serially connected to each other along perforated joints, the dispenser comprising: a housing;
at least one drawer mounted within the housing;
at least one slot in the housing through which the tickets are dispensed; and
at least one ticket bin adjustably mounted to each drawer, each ticket bin being adapted to contain at least one stack of the lottery tickets in a fan fold configuration, *the ticket bin being selectively mounted to the associated drawer in one of a plurality of positions to accommodate a variety of ticket stack sizes.*

Some embodiments of Applicant's invention have a ticket bin whose position can be adjusted by selectively mounting the ticket bin in different positions; this feature allows lottery tickets of different sizes to be accommodated. Neither Schafer '398 nor Schafer '926 teach or suggest the recited feature of Applicant's claim 1 -- "*the ticket bin being selectively mounted to the associated drawer in one of a plurality of positions to accommodate a variety of ticket stack sizes*". The Office Action does not identify this feature in either of the cited Schafer patents. Because this feature is absent from the cited references, the proposed combination does not teach or suggest all the features of Applicant's claim 1. Accordingly, the Office Action has failed to

put forward a *prima facie* case of obviousness, and for this reason, Applicant respectfully submits that the rejection should be withdrawn.

Moreover, Applicant also respectfully submits that the rejection is improper because the Office Action has not provided a proper motivation to combine the cited references. To reject, the Office Action must cite a suggestion in the prior art to combine the references that is "clear and particular". *In re Dembiczak*, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999). The requirement is for "actual evidence" of the proposed motivation to combine. *Teleflex, Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1334, 63 USPQ2d 1374 (Fed. Cir. 2002). The proffered reasoning given for the proposed combination in the present Office Action is that it would be obvious one of ordinary skill in the art to combine Schafer '398 and Schafer '926 "to obtain a device that dispenses tickets". No support is provided from any of the cited references that would tend to show that an ordinary artisan would have been led by the cited references to make the particular modification proposed in the Office Action. Applicant traverses the proposed combination; Applicant respectfully submits that this alleged motivation to combine is merely picking and choosing features from the cited references, using Applicant's claimed invention as a menu or map. This type of improper hindsight reconstruction, which is not even based on a cited portion of a prior art references, is an improper hindsight reconstruction. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1 for at least this additional reason.

Claims 2-7 depend from claim 1 and therefore should be allowable for at least the same reasons as those given above for claim 1. Moreover, claim 2 recites "a plurality of drawers vertically arranged in the housing". The Office Action admits that this feature is neither taught nor suggested by Schafer '926, and cites Schafer '398 element 22 as allegedly teaching this feature of Applicant's claim 2 in an attempt to remedy the deficiencies of Schafer '926. However, elements 22 and 24 of Schafer '398 are sidewalls of a single "box unit" 12; elements 22 and 24 are not a plurality of drawers vertically arranged. See Schafer '398 at 2:4-7. Although Schafer '398 generally describes a device dispensing tickets from two packs which are horizontally adjacent in Schafer '398's "box unit", Schafer '398 neither teaches nor suggests "a plurality of drawers vertically arranged in a housing". Since the recited feature of claim 2 is absent from both cited references, the proposed combination cannot render

Applicant's claim 2 obvious. For at least this additional reason, claim 2 should be allowable.

III. REJECTION OF CLAIMS 9-10 UNDER 35 U.S.C. 103(a) OVER SCHAFER '926 IN VIEW OF SCHAFER '398 AND IN FURTHER VIEW OF BURR '624

Claims 9-10 stand rejected under 35 U.S.C. 103(a) over Schafer '926 (denoted "Schafer et al" in the office action) in view of Schafer '398 (denoted "Schafer" in the office action) and in further view of Burr '624. Applicant traverses the rejection and respectfully submits that claims 9-10 are not obvious in light of the proposed combination of references.

Claims 9-10 depend from claim 1, and therefore should be allowable for at least the same reasons as those given above for claim 1.

IV. REJECTION OF CLAIMS 13-16 and 19-22 UNDER 35 U.S.C. 103(a) OVER SCHAFER '926 IN VIEW OF SCHAFER '398 AND IN FURTHER VIEW OF BURR '624

Claims 13-16 and 19-22 stand rejected under 35 U.S.C. 103(a) over Schafer '926 (denoted "Schafer et al" in the office action) in view of Schafer '398 (denoted "Schafer" in the office action) and in further view of Burr '624. Applicant traverses the rejection and respectfully submits that claims 13-16 and 19-22 are not obvious in light of the proposed combination of references.

Claim 13 recites "a plurality of drawers vertically arranged in the housing" and therefore should be allowable for at least similar reasons to those discussed above for claim 2. Also, claim 13 recites that a ticket bin which is "selectively mounted to the associated drawer in one of a plurality of positions to accommodate a variety of ticket stack sizes" and therefore should be allowable for at least similar reasons to those discussed above for claim 1.

Claims 14-16 depend from claim 13 and therefore should be allowable for at least the same reasons as those given above for claim 13.

Claim 19 recites “a plurality of drawers vertically arranged in the housing” and therefore should be allowable for at least similar reasons to those discussed above for claim 2. Also, claim 19 recites that a ticket bin which is “selectively mounted to the associated drawer in one of a plurality of positions to accommodate a variety of ticket stack sizes” and therefore should be allowable for at least similar reasons to those discussed above for claim 1.

Claims 20-22 depend from claim 19 and therefore should be allowable for at least the same reasons as those given above for claim 19.

V. REJECTION OF CLAIMS 11-12 UNDER 35 U.S.C. 103(a) OVER SCHAFER ‘926 IN VIEW OF SCHAFER ‘398 AND IN FURTHER VIEW OF BERGKAMP ‘270

Claims 11-12 stand rejected under 35 U.S.C. 103(a) over Schafer ‘926 (denoted “Schafer et al” in the office action) in view of Schafer ‘398 (denoted “Schafer” in the office action) and in further view of Bergkamp ‘270. Applicant traverses the rejection and respectfully submits that claims 11-12 are not obvious in light of the proposed combination of references.

Claims 11 and 12 depend from claim 1 and therefore should be allowable for at least the same reasons as those given above for claim 1.

VI. REJECTION OF CLAIMS 17-18 AND 23-24 UNDER 35 U.S.C. 103(a) OVER SCHAFER ‘926 IN VIEW OF SCHAFER ‘398 AND IN FURTHER VIEW OF BERGKAMP ‘270 AND BURR ‘624

Claims 17-18 and 23-24 stand rejected under 35 U.S.C. 103(a) over Schafer ‘926 (denoted “Schafer et al” in the office action) in view of Schafer ‘398 (denoted “Schafer” in the office action) and in further view of Bergkamp ‘270 and Burr ‘624. Applicant traverses the rejection and respectfully submits that claims 17-18 and 23-24 are not obvious in light of the proposed combination of references.

Claims 17 and 18 depend from claim 13 and therefore should be allowable for at least the same reasons as those given above for claim 13. Claims 23 and 24

depend from claim 19 and therefore should be allowable for at least the same reasons as those given above for claim 19.

VII. NEW CLAIMS 25-30

New claims 25, 26, and 27 ultimately depend respectively from claims 1, 13, and 19 and therefore should be allowable for at least the same reasons as their respective ultimate parent claims. Moreover, these claims all recite that “when the ticket bin is selectively mounted in different ones of the plurality of positions, the arcuate guide is configured to be at different respective distances from the at least one slot” or similarly. This feature is neither taught nor suggested by the cited references.


Claims 28, 29, and 30 ultimately depend respectively from claims 1, 13, and 19 and therefore should be allowable for at least the same reasons as their respective ultimate parent claims. Moreover, these claims all recite that the ticket bin is configured so that a book of folded fan-fold tickets “lays substantially flat in the ticket bin”. Schafer ‘398 teaches away from this feature, teaching that the ticket packs are stored in a bended arcuate position in a circularly-shaped cavity.

CONCLUSION

In view of the foregoing amendment and remarks, it is respectfully submitted that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,
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